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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/092,074	07/09/2001	Valt Maskatiya	020342-000200US	7785

20350 7590 03/12/2003

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,074

Applicant(s)

MASKATIYA ET AL.

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-40 and 42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 08 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Receipt is acknowledged of the formal drawings filed on 10/8/2002 and the amendment filed on 12/6/2002, which have been entered in the file. Claims 1-40 and 42-48 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 13-20, 23-37, 40, and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al (US 6,145,738, cited by applicant) in view of Cadorette, Jr. et al (US 6,341,169 B1, previously cited).

Stinson et al teaches a method and system for authorizing a customer to perform transactions with a self-service device (100), the method comprising: extracting a second set of biometric data directly from at least one feature of the customer (images of the customer) using a first identification device (digital video cameras 125), wherein the transactions comprise providing funds in exchange for a financial instrument identifying the name of the customer (cashing a check, see figures 6A and 6B, and column 8 line 33 - column 9 line 43), wherein the financial instrument is a check, wherein the transactions comprise a financial transaction (cashing a check), wherein the transactions comprise a nonfinancial transaction (for example: filing tax returns, see column 14 lines 50-65), recording customer identification information comprising a

signature of the customer (the endorsement of the check, see column 8 lines 39-46), the biometric data are derived from facial features, fingerprints, or voice features (see column 9 lines 5-37), wherein the self-service device comprises a self-service kiosk (the device 100 is in kiosk form, see figure 1), comparing the first set of biometric data with a stored set of biometric data (see column 9 lines 5-18), a plurality of networked self-service devices (see figure 4) (also see figures 1, 3, column 2 lines 5-27, 36-43, column 4 lines 59-67, column 6 lines 5-14, 54-59, column 8 line 33 - column 9 line 43, column 10 line 29 - column 11 line 4, and column 14 lines 50-65).

Stinson et al fails to teach extracting a first set of biometric data regarding the customer from a verification instrument, extracting textual data regarding the customer from the verification instrument, automatically comparing the first and second sets of biometric data to determine whether the first and second sets of biometric data are derived from a single individual, recording customer identification information if it is determined that the first and second sets of biometric data are derived from the customer, wherein the customer identification information comprises information derived from the extracted textual data, wherein the customer identification information comprises a name of the customer, wherein the customer identification information is further derived from one of the first and second sets of biometric data, wherein the first set of biometric data is derived from image data on the verification instrument, wherein the textual data are derived from data encoded magnetically on the verification instrument, wherein the textual data are derived from data encoded optically on the verification instrument, wherein extracting textual data comprises: extracting a database

reference number from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number, prompting the customer to enter data for comparison with the retrieved textual data, wherein the comparing the first and second sets of image data comprises having a human examine the first and second sets of image data, wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer, a second identification device adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument, a storage device in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data, a comparator in communication with the at least one of the self-service devices, the comparator being configured to automatically compare the first and second sets of identification data to determine whether the first and second sets of identification data are derived from a single individual, wherein the comparator is local to the at least one of the self-service devices, wherein the comparator is networked with the plurality of self-service devices.

Cadorette, Jr. et al teaches a method and system for authorizing a customer to perform transactions, the method comprising: extracting a first set of biometric data regarding the customer from a verification instrument (extracting a photo from the credential, see column 15 lines 40-50), extracting a second set of biometric data directly from at least one feature of the customer (a captured image of the subject, see column

11 lines 51-65, and column 15 lines 40-50), extracting textual data regarding the customer from the verification instrument (see column 12 lines 20-25, and 35-44), automatically comparing the first and second sets of biometric data to determine whether the first and second sets of biometric data are derived from a single individual (the system may employ the OFR algorithm to compare the image from the credential to the captured image of the subject, see column 15 lines 40-50), recording customer identification information if it is determined that the first and second sets of biometric data are derived from the customer (a new approved subject database record, see the database tables in columns 7 and 8, column 13 lines 24-56, and column 15 lines 7-59), wherein the customer identification information comprises information (date of birth, last name, first name, see the approved subject database table in column 8) derived from the extracted textual data, wherein the customer identification information comprises a name of the customer (see the approved subject database table in column 8), wherein the customer identification information is further derived from one of the first and second sets of biometric data (the identifying biometric data element descriptor and the identifying biometric data element used as a key, see the approved subject database table in column 8), wherein the first set of biometric data is derived from image data on the verification instrument (the photo on the credential), wherein the first and second sets of biometric data are derived from facial features (a facial photo), wherein the textual data are derived from data encoded magnetically on the verification instrument (read using magnetic stripe reader 3, see figure 1 and column 11 lines 1-2), wherein the textual data are derived from data encoded optically on the verification instrument (the

printed textual data on the credential), wherein extracting textual data comprises: extracting a database reference number (a credential number for the verification reference database, see column 8) from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number (see column 12 lines 35-44), prompting the customer to enter data for comparison with the retrieved textual data (the customer enters the data by providing the credential), wherein the comparing the first and second sets of image data comprises having a human examine the first and second sets of image data (see column 15 lines 51-59), wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer (see column 3 lines 44-50, the approved subject database in column 8, and column 13 lines 51-65), a plurality of networked devices (see column 4 lines 28-36), a second identification device (optical credential scanner 4) adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument, a storage device (6) in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data, a comparator in communication with the at least one of the self-service devices, the comparator being configured to automatically compare the first and second sets of identification data to determine whether the first and second sets of identification data are derived from a single individual, wherein the comparator (evaluation station controller 5) is local to the at least one of the self-service devices, wherein the

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comparator (not shown) is networked with the plurality of self-service device (the comparison is performed by an administrative station using an administrative validation request, see column 14 lines 33-47) (also see figures 1-2D, column 1 lines 6-19, column 2 lines 40-50, column 2 line 60 - column 3 line 2, column 3 lines 6-19, 24-50, column 4 lines 28-59, column 5 lines 20-33, column 5 line 60 - column 6 line 8, column 6 lines 17-59, column 7 lines 11-25, the database tables in columns 7 and 8, column 10 line 37 - column 11 line 15, column 11 line 50 - column 12 line 63, column 13 line 24 - column 14 line 4, column 14 lines 12-16, 33-47, and column 15 lines 7-59).

In view of Cadorette, Jr. et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al, extracting a first set of biometric data regarding the customer from a verification instrument, extracting textual data regarding the customer from the verification instrument, automatically comparing the first and second sets of biometric data to determine whether the first and second sets of biometric data are derived from a single individual, recording customer identification information if it is determined that the first and second sets of biometric data are derived from the customer, wherein the customer identification information comprises information derived from the extracted textual data, wherein the customer identification information comprises a name of the customer, wherein the customer identification information is further derived from one of the first and second sets of biometric data, wherein the first set of biometric data is derived from image data on the verification instrument, wherein the textual data are derived from data encoded magnetically on the verification

instrument, wherein the textual data are derived from data encoded optically on the verification instrument, wherein extracting textual data comprises: extracting a database reference number from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number, prompting the customer to enter data for comparison with the retrieved textual data, wherein the comparing the first and second sets of image data comprises having a human examine the first and second sets of image data, wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer, a second identification device adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument, a storage device in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data, a comparator in communication with the at least one of the self-service devices, the comparator being configured to automatically compare the first and second sets of identification data to determine whether the first and second sets of identification data are derived from a single individual, wherein the comparator is local to the at least one of the self-service devices, wherein the comparator is networked with the plurality of self-service device, in order to provide a method for verifying the identity of a new customer using an identification credential, thereby increasing the security of the system.

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3. Claims 11, 12, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al as modified by Cadorette, Jr. et al in view of Norton (US 6,243,689 B1, cited by applicant).

The teachings of Stinson et al as modified by Cadorette, Jr. et al have been discussed above.

Stinson et al as modified by Cadorette, Jr. et al fails to teach wherein the first set of biometric data is derived from data encoded magnetically on the verification instrument, wherein the first set of biometric data is derived from data encoded optically on the verification instrument.

Norton teaches a verification instrument (check 10) having a set of biometric data optically encoded or magnetically encoded thereon (via barcode 30 or a magnetic strip, not shown), and deriving biometric data from data encoded optically or magnetically on the verification instrument (see figures 1, 6, column 4 lines 9-13, 44-67, and column 9 line 19 - column 10 line 13).

In view of Norton's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al as modified by Cadorette, Jr. et al, wherein the first set of biometric data is derived from data encoded magnetically on the verification instrument, wherein the first set of biometric data is derived from data encoded optically on the verification instrument, in order to provide the biometric data in a readily machine readable format.

4. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al as modified by Cadorette, Jr. et al further in view of Ortiz (US 2002/0091937 A1, previously cited).

The teachings of Stinson et al as modified by Cadorette, Jr. et al fails to teach wherein the self-service device is a personal computer, wherein the self-service device is a personal digital assistant.

Ortiz teaches a method for authorizing a customer to perform transactions with a self-service device, wherein the self-service device is a personal computer (workstation 24), wherein the self-service device is a personal digital assistant (wireless device 16) (see figure 1, paragraphs 2, and 45-48).

In view of Ortiz's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al as modified by Cadorette, Jr. et al, wherein the self-service device is a personal computer, wherein the self-service device is a personal digital assistant, in order to provide compatibility with a greater number of self-service devices, thereby increasing the versatility of the system.

Response to Arguments

5. Applicant's arguments filed 12/6/2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Cadorette specifically rejects the idea that the identification credentials can themselves be used to verify identity automatically (see pages 11 and 12 of the amendment filed on 12/6/2002), while Cadorette does

teach using data that is on file with the credential issuing agency (for example, a reference image of the individual identified by the credential), this only represents the ideal situation. Cadorette recognizes that this may not always be the case and that there may not be any data for comparison in the database (for example, there is no reference image available for comparison) (see column 12 line 55 - column 13 line 2 of Cadorette). In this case, the system uses a procedure called alternate verification. An option in the alternate verification is a procedure called manual verification, which involves selecting a photo from the credential image and comparing the photo from the credential image with a captured subject image (see column 15 lines 40-48 of Cadorette). Cadorette teaches that these two images may be compared using the optical facial recognition algorithm (see column 6 lines 30-36 and column 15 lines 48-51 of Cadorette). While some of the steps taken under the manual verification process may be done manually, the optical facial recognition algorithm would certainly be considered an automatic comparison by one of ordinary skill in the art at the time of the invention, since the optical facial recognition algorithm uses hardware and software to perform the comparison. Thus, the first and second sets of biometric data (the photo selected from the credential image, and the captured subject image, respectively) are automatically compared using the optical facial recognition algorithm, even though some other steps performed under the manual verification may be done manually. Furthermore, Cadorette also states that some embodiments may be used in an unattended manner in which the credential presenter acts as the operator (see column 6 lines 26-37 of Cadorette). This further emphasizes that the comparison may be

performed automatically, since the credential presenters would certainly not be trusted to verify their own credentials. For at least these reasons, it is believed that Cadorette teaches, or at the very least suggests, the claimed automatic comparison.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett (US 5,550,359) and Bardwell (US 2002/0148892 A1) both teach systems for recording the identification of a user.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

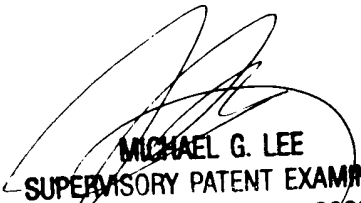
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

jjf
jjf

March 10, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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